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EXAMINER	
PATEL, HARESH N	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/873,362	YAMAGUCHI, TOSHIO	
	Examiner	Art Unit	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 are presented for examination.

Response to Amendments

2. The amendment filed June 29, 2004, i.e., removal of "The newest server object being the server object most recently accessed", page 3, lines 5-6 of the specification dated 6/5/2001, lines 2-3 of the specification dated 1/30/2004, has been acknowledged.

Response to Arguments

3. Applicant's arguments filed 6/29/04 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-5 is maintained.

Applicant argues (1) Neither Cole nor Timms, taken alone or in combination, do not disclose "according to the limitations in the claims of the present application, when having started an access by using an old interface, the Applicant's client object can access a not-newest server object by using the old interface thereby to enjoy services. For example, referring to Applicant's Fig. 1, if the server object A (60) and the server object B (70) are started after a client object already issued a request to the server object A (40), the client object can receive the results of the request from the server object A (40) using the server object B (50). However, after the server object A (60) has been started, a client object can issue a request to the newest- revision server object A (60) by virtue of the management object, whereby the old- revision server object A (40) becomes unused". The examiner disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's

invention, it is noted that the features upon which applicant relies "according to the limitations in the claims of the present application, when having started an access by using an old interface, the Applicant's client object can access a not-newest server object by using the old interface thereby to enjoy services. For example, referring to Applicant's Fig. 1, if the server object A (60) and the server object B (70) are started after a client object already issued a request to the server object A (40), the client object can receive the results of the request from the server object A (40) using the server object B (50). However, after the server object A (60) has been started, a client object can issue a request to the newest- revision server object A (60) by virtue of the management object, whereby the old- revision server object A (40) becomes unused" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection in maintained as disclosed above.

Applicant argues (2) Neither Cole nor Timms, taken alone or in combination, do not disclose "selecting and supplying a requestor with server object information of a newest server object of requested server objects based on a change information including a revision information showing a newness of each of the requested server objects, accessing a server object indicated in the server object information supplied, performing processing requested by the access, or a newest revision of the accessed server object being accessed for a second requestor while the performing processing requested continues". The examiner disagrees in response to applicant's arguments. Cole teaches selecting (e.g., selection server providing selected content server http addresses, figure 7, col., 1, line 4 – col., 2, line 44) and supplying a requestor (e.g., client, figure 6) with server object information (e.g., content server http address information, col.,

6, line 22 – col., 7, line 24) of a newest server object of requested server objects (e.g., http address information of a content server among the Internet content servers, col., 6, line 22 – col., 7, line 24) based on a change information including a revision information showing a newness of each of the requested server objects (e.g., http addresses of all available content servers that can provide the program updates based on version of the programs at the content servers, col., 6, line 22 – col., 7, line 24), accessing a server object (e.g., client accessing the content server, col., 6, line 22 – col., 7, line 24) indicated in the server object information supplied (e.g., http address locations and new data content file names and location at the content servers provided by the selection server, col., 6, line 22 – col., 7, line 24), performing processing requested by the access, or a newest revision of the accessed server object being accessed for a second requestor while the performing processing requested continues (e.g., content server processing the sending of the program update to the client, Also, server is available for applications of itself (server) and other clients to support sever functionalities, while the server processing of sending the program update to the client is in progress, col., 6, line 22 – col., 7, line 24). Therefore the rejection in maintained as disclosed above.

Applicant argues (3) Neither Cole nor Timms, taken alone or in combination, do not disclose "the requestor is a server object to be accessed during the accessing step, selecting and supplying the requestor with the server object information with the server object to be accessed in accordance with the change information of the requestor server object". The examiner disagrees in response to applicant's arguments. Cole teaches that the requestor is a server object to be accessed during the accessing step, selecting and supplying the requestor with the server object information with the server object to be accessed in accordance with the change

information of the requestor server object (e.g., based on the client version information accessing the server containing version based information, col., 6, line 22 – col., 12, line 24). It is well known in the art that any device that accesses a server is a client, hence if a first server accesses another server, the first server is also considered as a client. The server with particular version information will access the server that has contents based on the version of the accessing server from the cluster of servers on the Internet or the network. Therefore the rejection in maintained as disclosed above.

4. Applicant argues (4) Neither Colel, Midgely nor Timms, taken alone or in combination, do not disclose "a plurality of server objects having a same server object name or same interface identification information, stopping server objects having old change information including old version information". The examiner disagrees in response to applicant's arguments. Midgely teaches a plurality of server objects having a same server object name or same interface identification information, stopping server objects having old change information including old version information (e.g., The Agent then forces the recovering server to re-boot, so that it comes on-line with an alternate name that does not conflict with the name of any other server on the network, col., 12, line 22 – col., 13, line 10). It is well known in the art to facilitate retaining a server containing latest information on the Internet or network instead of a server containing old information. The server with the latest information would provide latest version information necessary for the request of the accessing client device. Therefore the rejection in maintained as disclosed above.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The specification is objected to because it does not contain subject matter containing any software or hardware to implement limitation, "wherein a newest revision of the accessed server object may be accessed for a second requestor while the performing processing requested continues". Hence, claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The addition of the limitation "wherein a newest revision of the accessed server object may be accessed for a second requestor while the performing processing requested continues" of claims 1 and 5 has been rejected by the examiner.

6. Regarding claims 1 and 5, the phrase "may be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Objections

7. Claims 1 and 5 are objected to because of the following informalities:

Claims 1 and 5, mentions "requestor", which is suppose to be "requester".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 4 and 5, are rejected under 35 U.S.C. 102(e) as being anticipated by Cole et. al 6,074,434 (Hereinafter Cole).

10. As per claims 1, 4 and 5, Cole teaches a method, a system and a computer readable medium to implement managing objects in a distributed object environment as follows:

a server object information acquisition unit for requesting server object information of a server objects to be accessed (e.g., clients accessing selection server, selection server providing information of the content servers that can be assessed, although not shown, there are many other servers for the Internet, hence multiple servers are available for contents, col., 3, lines 13 – col., 4, line 39, figure 6, col., 6, line 22 – col., 7, line 24),

a server object information select unit for selecting (e.g., selection server providing selected content server http addresses, figure 7, col., 1, line 4 – col., 2, line 44) and supplying a requester (e.g., client, figure 6) with server object information (e.g., content server http address information, col., 6, line 22 – col., 7, line 24) of a newest server object of requested server objects (e.g., http address information of a content server among the Internet content servers, col., 6, line 22 – col., 7, line 24) based on a change information including revision information

showing a newness of each said requested server objects (e.g., http addresses of all available content servers that can provide the program updates based on version of the programs at the content servers, col., 6, line 22 – col., 7, line 24),

a server object access unit for accessing a server object (e.g., client accessing the content server, col., 6, line 22 – col., 7, line 24) indicated in said server object information supplied (e.g., http address locations and new data content file names and location at the content servers provided by the selection server, col., 6, line 22 – col., 7, line 24) ; and

a request processing unit for performing processing requested by said access (e.g., content server processing the sending of the program update to the client, col., 6, line 22 – col., 7, line 24),

wherein a newest revision of the accessed server object may be accessed for a second requester (e.g., server itself, col., 6, line 22 – col., 7, line 24) while the performing requested continues (e.g., server is available for applications of itself (server) and other clients to support sever functionalities, while the server processing of sending the program update to the client is in progress, col., 6, line 22 – col., 7, line 24).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of "Official Notice".

13. As per claim 2, Cole teaches the claimed limitations as mentioned in rejection of claim 1, including selecting and supplying the requester with the server object information of the server object to be accessed, in accordance with said change information of the requester server object (e.g., based on the client version information accessing the server containing version based information, col., 6, line 22 – col., 12, line 24).

However, Cole does not specifically mention that a server can be a requestor instead of a client. "Official Notice" is taken that both the concept and advantages of providing server as a requestor instead of a client is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include server as a requestor instead of a client with the teachings of Cole in order to facilitate a server to access another server. It is well known in the art that any device that accesses a server is a client, hence if a first server accesses another server, the first server is also considered as a client. The server with particular version information will access the server that has contents based on the version of the accessing server from the cluster of servers on the Internet or the network.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole and "Official Notice" and in view of Midgely et. al. 5,608,865 (Hereinafter Midgely).

15. As per claim 3, Cole teaches the claimed limitations as mentioned in rejection of claim 2. However, Cole do not specifically mention about stopping the old server object when multiple servers contain same server object name. Midgely teaches the concept of managing in a case where there are a plurality of server objects having a same server object name or same interface identification information, stopping server objects having old change information (e.g., multiple servers connected on the network, and the Agent forces the recovering server to re-boot, so that it comes on-line with an alternate name that does not conflict with the name of any other server on the network, col., 12, line 22 – col., 13, line 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teachings of Cole, "Official Notice" and Midgely in order to facilitate retaining a server containing latest information on the Internet or network instead of a server containing old information. The server with the latest information would provide latest version information necessary for the request of the accessing client device.

Conclusion

16. Examiner makes a note that the claims 1-5 are too broad. Applicant indicates that the figure 1 and the related disclosure is the rational behind the invention, i.e., page 2, line 20 – page 4, line 14 of the specification. However, claims 1-5 fail to convey information regarding the use of key components of the invention, i.e., client, server factory and the management server. Also claims do not reflect on what each component handles and how management server accesses the servers and server factory for the client's request. Hence, the scope of the claims is much wider

than what applicant wants to accomplish as an invention mentioned in the disclosed subject matter.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO-892. The cited arts teach sever clusters that can be accessed by client devices over the network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is 703-605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

September 27, 2004

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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